

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 18, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 11, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization dated April 11, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 29 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Social Services
Cornhusker Council, Boy Scouts of America**

MOTION: Heier moved and Hudkins seconded approval of motor vehicle tax exemptions for Catholic Social Services and Cornhusker Council, Boy Scouts of America. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization was adjourned.

Bruce Medcalf
County Clerk

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Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Linda Steinman
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 11, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Workman moved and Hudkins seconded approval of the Board of Commissioners meeting dated April 11, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 18, 2000.**

MOTION: Heier moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. Appointment of Richard Hammer and Nancy J. Stara to the Board of Trustees of Hospital Authority Number 1 of Lancaster County, Nebraska.

The Chair opened the public hearing.

Lauren Wismer, counsel for the Hospital Authority, appeared and explained that Ms. Stara and Dr. Hammer are currently members of the Hospital Authority's Board of Trustees. He added both are interested in seeking reappointment to the board and a petition has been submitted nominating them for that reappointment.

3) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Steinman moved and Heier seconded approval. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

B. Application for a Class E (Beer Off Sale Only) and a Class M (Bottle Club) liquor license for Merle's Food & Drink located at 8250 West "O" Street, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the application.

Judy and Michael Pittman appeared.

The Clerk administered the oath to both parties.

Judy Pittman, applicant, stated there is an existing liquor license with Dan and Liz Lynch who have owned the business for 24 years. She added both she and her husband have worked at Merle's for six years and they are now buying the corporation. The purchase of the liquor license would be through the corporation.

Workman asked the Pittman's if they have attended the Responsible Hospitality workshop.

Campbell gave a brief explanation regarding the workshop.

The Pittman's indicated they would be very interested in attending.

There was no other testimony.

The Chair indicated that the hearing would be held open for one week for any additional testimony, with action to be taken on Tuesday, April 25, 2000.

3) **PUBLIC HEARINGS CONTINUED:**

C. Application for a Class M (Bottle Club) liquor license for D T R, Inc. located at 640 West Prospector Court, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the application.

PROPONENTS:

The Clerk administered the oath to Craig D. Wittstruck

Craig Wittstruck, attorney representing applicant, appeared and stated the principal officer and Chief Executive Officer is Daniel Robinson. The following was reported to the County Board:

- < The applicant is a Lincoln, Nebraska resident and the corporation is a Nebraska corporation.
- < Applicant has achieved favorable recommendations from all governmental agencies involved in the application.
- < Applicant has achieved a five year exemplary record with previous employment and businesses.
- < The application is for a permitted use in a permitted area.

In response to a question asked by Steinman regarding the square footage of the premises, Wittstruck stated he didn't know, however, that figure is in the application. He added that they obtained the square footage from the County Assessor's Office.

Campbell suggested that Dave Johnson, Deputy County Attorney, speak with Mr. Hartman's attorney to determine the square footage of the area to be deleted.

In response to a question asked by Workman regarding entrances, Wittstruck stated they would comply with necessary requirements.

Workman asked what the applicant means by "adult entertainment".

Wittstruck referred to an explanation on page ten, article 30 of the lease.

3) **PUBLIC HEARINGS CONTINUED:**

Hudkins asked if they had looked at additional parking.

Wittstruck commented that Duane Hartman has indicated parking would not be a problem.

Hudkins stated he has observed that the parking lot can get crowded and that he has concerns about volleyball almost being a family form of entertainment.

Scott Holmes, Health Department, clarified the recommendation from the Health Department by stating that they reviewed the application as a liquor permit on a licensed establishment in a zoning jurisdiction that allows a license. He stated they did not review the application in terms of other potential public health ramifications.

The Chair asked if anyone wished to testify in opposition.

OPPONENTS

The Clerk administered the oath to Wayne Geibelhaus.

Wayne Giebelhaus, 4000 South Folsom Street, appeared and distributed a petition containing approximately 400 signatures objecting to any business establishment with nudity or near nudity as part of its business operating in or near a residential area (Exhibit B). He noted that nude bars don't belong in areas where there are homes, schools, daycare centers, churches or mental institutes.

Giebelhaus stated when the site was known as "The Prospector" there were traffic problems on nights when there was a band; the parking would spill out into the street.

Campbell stated the minutes from the previous week (April 11, 2000) would be made a part of the record (Exhibit H).

In response to a question asked by Hudkins, Giebelhaus stated he has not seen the parking spill out into the streets due to volleyball games. At the present time, he said, he feels there is ample parking, however, if the proposed business were to be approved, he would be concerned about the parking.

3) **PUBLIC HEARINGS CONTINUED:**

Dave Johnson, Deputy County Attorney, requested that an aerial view of 640 West Prospector showing approximately 1,000 feet and 3,000 feet around the proposed site be marked as an exhibit (Exhibit C).

The Clerk administered the oath to Dan Navratil.

Dan Navratil, principal at Roper Elementary and Yankee Hill Schools, stated the convenience store (Yankee Doodles) is the only location in the area where refreshments can be purchased. He added that there are 80 to 110 children living in the area who frequent the convenience store and that the proposed business is not appropriate for the area.

The Clerk administered the oath to Deb Vocasek.

Deb Vocasek, 1903 West Mulberry Court, appeared on behalf of the West A Neighborhood Association Board of Directors. She stated that there are many other residents of the area who oppose the proposed business, but who would not be speaking. She asked those individuals to stand.

Approximately 40 individuals stood.

Vocasek further stated that there are children riding their bicycles and families driving past the building on their way to Wright Soccer Field, Wilderness Park and Pioneers Park. She added that the Bison Bike Trail will be constructed in the near future and is approximately 100 yards away from the facility.

She asked if the Sheriff's Office has the resources to frequently patrol the proposed business in order to keep the neighborhood safe.

The Clerk administered the oath to Scott Moore.

Scott Moore, 4345 South 63rd Street, representing the Lincoln Regional Center stated there is concern regarding the potential problems when individuals are reintroduced into the community. He said placing a mentally ill person at risk is unfair and non-therapeutic.

3) **PUBIC HEARINGS CONTINUED:**

The Clerk administered the oath to Barbara Ramsey.

Barbara Ramsey, Chief Executive Officer of the Lincoln Regional Center, stated a topless bar or a topless juice bar would be a distraction to many of the patients they serve and would distract from the therapeutic environment of the hospital and the arboretum grounds. She likened having a topless bar across the street from the Regional Center to opening a bar across the street from the Betty Ford Center.

The Clerk administered the oath to Luetta Johnson.

Luetta Johnson, 1411 SW 9th Street, stated that many youth will obtain false identification to gain entrance into establishments such as the proposed business. She suggested that the bar not be put in an area where there are so many growing families.

The Clerk administered the oath to Julie Berger, Jenny Larson and Jamie Schleich.

Julie Berger, 2321 W Peach Court, stated she is the current president of the Roper Parent Group. She stated she has concerns about the proposed business being near a daycare and being located in a residential area where there are so many young families with children.

Jamie Schleich, 3901 W Springview Road, stated she is in the sixth-grade at Roper Elementary School. She added that the bar will attract the type of people that the neighborhood doesn't want and it will set a bad example for children.

Jenny Larson, 4401 SW 12th Street, stated she is a sixth-grader at Roper Elementary. She said there a lot of children who live in the neighborhood and many who come to the area because they are involved in sports at Wright Soccer Field, Sherman Baseball Field and in the future, the Optimists Sports Complex.

The Clerk administered the oath to Tara Kringel.

Tara Kringel, 2814 S Folsom Street, questioned the meaning of "adult entertainment" and stated that the topless bar is not appropriate for the neighborhood. She stated the nearest home is less than half a block away. Kringel also stated she is concerned with the possibility of increased crime.

3) **PUBLIC HEARINGS CONTINUED:**

The Clerk administered the oath to Cindy Williams.

Cindy Williams, 1924 SW 22nd Street, stated that she sometimes buys snacks at Yankee Doodles for her family on the way to Wright Soccer Field. She asked the West A Neighborhood Association and anyone who is willing to join her, to stop purchasing products at Yankee Doodles because the building is owned by Duane Hartman. Williams also asked that the portion of the lease regarding the meaning of “adult entertainment” be read aloud.

The Chair read article 30 from page ten of the lease agreement describing the meaning of “adult entertainment” into the record.

She also addressed the parking issue by stating that on Friday and Saturday nights the lot is full due to volleyball games. Williams said if a topless bar opens at that location, it only stands to reason that the lot would be above capacity.

The Clerk administered the oath to Ed Alles.

Ed Alles, 2301 D Street, stated he is a retired homebuilder and has built several homes in the area. He said bars and nudity would downgrade the area. He added that other topless clubs and bars in and around the City are located in more of a commercial/business type of setting. The proposed topless bar is in a residential area which is considerably different than a commercial/business district.

The Clerk administered the oath to Herb Welter.

Herb Welter, 4140 NW 57th Street, submitted documentation pertaining to statistics from the Lincoln Police Department Annual Report (Exhibit D). He stated there are 925 sex offenders in the State of Nebraska. Welter said he was told 20 additional rapes/other sex offenses are reported each month and urged the County Board to not allow a topless bar at that location.

The Clerk administered the oath to Scott Bailey.

Scott Bailey, 2925 SW 6th Street, stated the parking lot is full for approximately six months out of the year due to volleyball games being held. He submitted documentation comparing areas which have sexually oriented businesses to those that do not (Exhibit E) and a report to the American Center for Law and Justice on the Secondary Impacts of Sex Oriented Business (Exhibit F).

3) **PUBLIC HEARINGS CONTINUED:**

The Chair requested the Clerk's Office to provide copies for each County Board member.

The Clerk administered the oath to Terry Wagner.

Terry Wagner, County Sheriff, stated he had prepared a statistical analysis comparing Coaches Sports Bar & Grill to Shakers as far as calls for service for 1999. He stated that from January 1, 1999 to December 31, 1999 their office responded to 34 crimes at Shakers ranging from alarm calls, resisting arrests, bomb threats and attempted burglary. Wagner added there were approximately ten disturbance calls over the year and eight thefts. There were several other arrests, such as driving under suspension, property damage accident and thefts.

Coaches, Wagner stated, had the same types of calls for service for resisting arrest, assault and child abuse neglect. He stated Coaches had only five disturbances. Coaches is a licensed establishment and has three separate areas as opposed to Shakers which has no license and had ten disturbances. Thefts, Wagner said, aren't as much of a problem at Coaches.

Wagner stated there were 34 calls at Shakers and 32 calls at Coaches. He added they have had very few calls for service inside Shakers and indicated that the inside area is patrolled very well by security staff. The problems the Sheriff's Office has seen have been in the parking lot.

Johnson requested that a letter from Peter W. Katt, attorney representing Duane L. Hartman, be entered into the record (Exhibit G). He noted that the letter pertains to the deletion of the licensed premise, however, based upon the nature of the letter it would also affect the public hearing.

The Chair read the letter into the record.

The Chair recessed the public hearing until Tuesday, April 25, 2000 at 1:30 p.m.

4) **OLD BUSINESS:**

- A. An application for a Special Designated License from Hillcrest Country Club to hold golfing events at 8901 "O" Street on May 7 and 28, June 4, July 9 and August 6 and August 20, 2000.**

Andy Reetz, Manager of Hillcrest Country Club, appeared to answer any questions asked by the County Board.

MOTION: Heier moved and Steinman seconded approval. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- B. A request for deletion to licensed premises from DLH Inc. dba/Coaches Sports Bar & Grill in connection with a Class M (Bottle Club) liquor license.**

The Chair requested that the item be deferred for one week to Tuesday, April 25, 2000.

5) **NEW BUSINESS:**

- A. A contract with Brandt Excavating for channel work at County Bridge C-220 located on Rock Creek Road between Northwest 27th and Northwest 40th Streets, beginning April 3 and ending August 25, 2000, in the amount of \$32,654. (C-00-167)**

MOTION: Steinman moved and Heier seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- B. An agreement with Lincoln Electric System to relocate utilities on Southwest 40th Street, West Van Dorn to West "A" Streets. The County will pay an estimated amount of \$50,629 which is the non-betterment cost of relocating the utilities; Project C55-L-403(1). (C-00-166)**

MOTION: Steinman moved and Heier seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

C. A resolution in the matter of county maintenance of the following roads in Whiterock Estates: (R-00-42)

- < 505 lineal feet of South 55th Street
- < 710 lineal feet of Whiterock Lane
- < 316 lineal feet of Whiterock Circle

MOTION: Heier moved and Workman seconded approval of Resolution 00-42. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

D. Recommendation from the Purchasing Agent and the County Engineer to award a bid for two motor graders to Fehrs Nebraska Tractor & Equipment, in the total amount of \$184,680, including trade-in allowance for two used motor graders and mounting of the County Engineer's existing plow equipment. It is also recommended that the County Board approve the service agreement for a maximum total of \$12,000 repair costs for seven years per motor grader. (B-00-22)

Steinman inquired about buy-backs.

Don Thomas, County Engineer, stated buy-backs were not a part of the bid.

In response to a question asked by Workman, Thomas stated the units bear the Kamatsu name, however, they are Gallion motor graders.

MOTION: Workman moved and Steinman seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

E. A loan application through the Rural Enterprise Assistance Project, in the amount of \$1,072.56, from Jody Brott doing business as J. B. Farms Unlimited. Term of the loan will be 12 months, with monthly payments of \$89.38. M-00-29)

Troy Gagner, Urban Development, explained that Ms. Brott has developed a business where she will provide carriage rides in the Haymarket, as well as horse boarding.

Dave Johnson, Deputy County Attorney, requested that the item be deferred for one week for further review.

By direction of the Chair, the item was deferred for one week to Tuesday, April 25, 2000.

F. A Community Development Block Grant loan request from Linweld, Inc. in the amount of \$630,000. (No documentation.)

Troy Gagner, Urban Development, disseminated documentation (Exhibit A) and stated the loan would be used for the purpose of creating 18 new positions at Linweld's Waverly facility. He explained that the facility is adjacent to their existing facility and is 18,000 square feet.

Bob Caldwell, Linweld, Inc., stated the facility will manufacture and distribute industrial medical and speciality gases and will be a support facility for their 26 retail stores in six states. He added they will distribute and sell in an eight to ten state area. There will be 39 retention jobs, he said, and approximately 18 new jobs would be created.

In response to a question asked by Hudkins, Gagner stated Linweld has provided job descriptions for the 18 new positions to be created. He explained the Job Training Division in the Urban Development Department reviewed the job descriptions and compared them to similar positions. They then determined whether they could fill the positions with individuals of low to moderate income based on skill levels.

Heier inquired about the range of wages.

Gagner responded they range from \$28,000 to \$32,000.

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Steinman seconded approval contingent upon ratification of documentation on Tuesday, April 25, 2000. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

G. Appointment of James Lamphere to the Government Access and Information Committee to fulfill the unexpired term of Greg Aschoff, ending January 1, 2001.

MOTION: Steinman moved and Heier seconded approval. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

H. Appointment of Jon Carlson to the Lincoln-Lancaster County Planning Commission to complete the unexpired term of Barb Hopkins, ending August 24, 2001.

MOTION: Heier moved and Steinman seconded approval. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

I. Reappointment of Ray Stevens, Jr. to the Lancaster County Personnel Policy Board to a five year term, commencing July 1, 2000. (No documentation.)

MOTION: Heier moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

J. Appointments and reappointments of the following individuals to the Lincoln-Lancaster County Commission on Aging Advisory Board and the Lincoln Area Agency on Aging Advisory Council:

<u>Lincoln-Lancaster County Commission on Aging Advisory Board</u>	
Bonnie Armstrong	Term expires July 1, 2000
(replacing Diane Rolfsmeyer)	
Mary Kyckelhahn (vacancy since 1997)	Term expires July 1, 2000
Barry Moore (vacancy since 1997)	Term expires July 1, 2000
Leonard Smith (vacancy since 1997)	Term expires July 1, 2000

5) **NEW BUSINESS CONTINUED:**

Barb McCabe (reappointment)	Term expires July 1, 2002
Dale Nelson (reappointment)	Term expires July 1, 2002
Phyllis Bovee (replacing Jean Augustine)	Term expires July 1, 2002
Gayle Mandeville (new appointment) (replacing Marg Sommer)	Term expires July 1, 2002
Elaine Morgan (new appointment) (replacing Pearl Van Zandt)	Term expires July 1, 2002
Sheryl Jordan (vacancy since 1998)	Term expires July 1, 2001

Lincoln Area Agency on Aging Advisory Council

Barry Moore (replacing Diane Rolfsmeyer)	Term expires July 1, 2000
Barb McCabe (reappointment)	Term expires July 1, 2002
Phyllis Bovee (replacing Jean Augustine)	Term expires July 1, 2002
Elaine Morgan (replacing Marg Sommer)	Term expires July 1, 2002

MOTION: Heier moved and Steinman seconded approval. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

K. Request from James T. Mosby, an employee with the County Engineering Department, to voluntarily participate in the Lancaster County retirement plan. (M-00-28)

MOTION: Hudkins moved and Workman seconded approval. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

- 1. Lancaster Manor's Monthly Report**
- 2. Records and Information Management's Monthly Report for March, 2000.**

6) **CONSENT ITEMS CONTINUED:**

B. Setting of a public hearing for Tuesday, April 25, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding Comprehensive Plan Amendment 94-51, requested by the Director of Planning at the request of Mark Hunzeker on behalf of Garner Industries, to amend the 1994 Lincoln/Lancaster County Comprehensive Plan to change the land use from "Agricultural" to "Industrial" on property generally located at the southwest corner of 98th Street and Cornhusker Highway, Lancaster County, Nebraska.

MOTION: Steinman moved and Hudkins seconded approval of the Consent Items. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

7) **ADJOURNMENT**

MOTION: Hudkins moved and Steinman seconded adjournment of the Board of Commissioners meeting. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk